

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Fylingdales

Application No. NYM/2019/0704/FL

Proposal: Installation of replacement roof tiles, windows, doors, door surround and guttering (part retrospective)

Location: 3 Bloomswell, Robin Hoods Bay

Decision Date: 17 January 2020

Extended to:

Consultations

Parish – Object

The Council object to these applications, the loss of original features due to the lack of consultation with pre-planning and not seeking Listed Building consent means that the building is no longer in keeping. For example the Council do not believe the pink front and rear doors are in matching styles to the originals, window details have been changed and other architectural features have now been lost.

The lack of knowledge as to if it is listed is not an acceptable excuse and respect needs to be shown for the history of the building. Since major works have taken place, number 3 Bloomswell is already looking out of keeping in a conservation area.

Site Notice/Advertisement Expiry Date – 31 December 2019

Others –

Natural England – No objections

Mrs Rosemary King, Ebor Cottage – Comment

As a listed property I would like to see the door colour changed to one of a more appropriate nature. The bright pink is not in keeping with the other listed properties in the street and spoils the whole row of houses. I am also concerned at what changes have been made internally to this property and whether the new windows and doors are made of the correct material.

Mr John Gilbert, Lindale, Manor Road, Robin Hood's Bay – Object

I wish to raise objection to the application above on the following grounds. Bloomswell was built as a piece with many features in common. The door carving on 3 matched the others on the row, they are very good examples of vernacular architecture, I have never seen their like elsewhere. Any new door carvings should match the original survivors, which is the rest of the terrace bar one. The shape of the top is wrong, it should be tripartite on the canopy. There is no blind fanlight. I have in the past replaced two of these like for like.

The sash windows to the front are six panes not eight as is correct. It is a shame planning advice wasn't sought to begin with.

Director of Planning's Recommendation

Reason(s) for Refusal

1.	The replacement of the historical door surround with one of unsuitable proportions and detailing and colour constitutes significant harm to the character and appearance of the Listed Building and the Conservation Area. Due to the historic, evidential and aesthetic value of the previous door surround, its loss is considered to represent harm to the Listed Building and the Conservation Area. This application does not contain sufficient or convincing information to justify the replacement of the door surround or demonstrate any public benefit. The design of the replacement door surround fails to preserve or enhance the character and appearance of the Listed Building and Conservation Area and does not respect the existing architectural and historic context with reference to the form, scale proportions, design detailing and materials of traditional buildings. Therefore this element of the application is contrary to DP4, DP5, Section 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2.	The previous front door was finely detailed and held historic and aesthetic value and as such its loss constitutes harm to the Listed Building. The replacement door is of larger proportions and less finely detailed than the previous door and therefore does not respect the existing architectural and historic context of the building with reference to the form, scale, proportions, design detailing, colour and materials of traditional buildings. The application does not contain sufficient or convincing information to justify the need for and design of the replacement door or demonstrate any public benefit. As such, this element of the application is contrary to DP4, DP5 and Section 16, paragraph 196 of the NPPF.





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Background

3 Bloomswell is one of 9 no. dwellings within a Grade II listed terrace. The property was constructed in the early to mid- 19th century and comprises three storeys and is one bay wide. The terrace lies within the Robin Hood's Bay Conservation Area which is protected by an Article 4 (2) Direction. The building is of national significance as a designated asset and the wider Conservation Area also forms a designated heritage asset.

Prior to the works referenced in this application, 3 Bloomswell consisted of incised render, most likely on brick under a pantiled roof. White painted timber casement windows sat in the centre of the first and second storeys above unpainted stone sills. A modern dormer with a catslider roof and three light timber casement window sits on the front elevation of the property. The door surround was constructed of black and white painted timber with moulded bases upon short plinths with reeded pilasters and ogee consoles under an open pediment canopy. The door consisted of a black painted timber door of six panels with reeded detailing.

In 1997 a damp proofing course was laid within the property and rotten plasterboard replaced along with like for like repairs to the dormer window.

This application seeks retrospective planning permission for external alterations to the property consisting of the replacement of the front and rear doors and front door surround; the replacement of casement windows with timber sashes; the re-roofing of the property, and the replacement of rainwater goods. The replacement front and rear doors have been painted pink, as has the door surround.

Main Issues**Statutory Duties**

Section 16, paragraph 193 of the National Planning Policy Framework 2019 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Section 16, paragraph 194 of the National Planning Policy Framework 2019 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The Authority has a statutory duty to protect Listed Buildings within the Park as they form part of the significance of the built and cultural heritage of the North York Moors. These buildings represent a significant part of the history and culture of the National Park and their considerable importance, once lost, cannot be replaced.

The Authority has a general duty in respect of listed buildings in its exercising of planning functions as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic

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interest which it possesses.

The Authority has a general duty in respect of conservation areas in its exercising of planning functions as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

NYMNPA Policies

Development Policy 5 of the North York Moors National Park Local Development Framework states that proposals for the alteration of a Listed Building will only be permitted where they will not have an unacceptable impact on the special historic or architectural interest of the building.

Development Policy 4 of the North York Moors National Park Local Development Framework states that proposals for development within a Conservation Area will only be permitted where they preserve or enhance the character and appearance or setting of the area.

Door Surround

The previous door surround was of special historical and architectural interest with fine detailing including moulded bases and ogee styled consoles. Indications of an earlier fanlight and open pediment can also be found in the previous door surround, contributing to its evidential value. As such, the previous door surround made a positive contribution to the Conservation Area and its loss constitutes less than substantial harm to the Listed Building and the Conservation Area under paragraph 195, Section 16 of the NPPF.

Development Policy 4 of the North York Moors Core Strategy and Development Policies Document states that overriding justification must be provided for the demolition of a feature that makes a positive contribution to the character and appearance of the Conservation Area. Whilst the applicant stated that the previous door surround was rotten, the Authority has not seen any evidence of this and therefore this justification cannot be considered to be clear and convincing and does not demonstrate any public benefit gained from the replacement of the door surround. Furthermore, if the previous door surround had been found to be in poor condition, the Authority would have favoured its repair over its replacement. If the door surround had been found to be beyond repair, a like-for-like replacement would have been the only acceptable alternative. As such, the Authority considers the design of the replacement door surround to be unacceptable and unsympathetic notwithstanding the applicant's statement that the design of the door surround was based on the neighbouring property. The consoles on the replacement door surround are similar but less detailed than those found on number 2 Bloomswell and the overall lack of sympathetic design means that the replacement door surround cannot be considered an acceptable alternative to a like-for-like replacement. Therefore the proposal fails to meet the requirements of Section 16 of the NPPF paragraph 195, which states that where a development proposal will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The replacement door surround consists of a larger closed pediment canopy with larger

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plinths and an absence of bases. Evidence of the location of a previous fanlight has been lost with the replacement door surround. As such the proposed surround has an unacceptable impact on the special historic and architectural interest of the listed building and fails to preserve or enhance the character or appearance of the Conservation Area as required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Development Policy 5 of the North York Moors Core Strategy and Development Policies Document.

The proposed surround also fails to comply with Development Policy 4 of the North York Moors Core Strategy and Development Policies Document which states that proposals for development within a Conservation Area will only be permitted where they preserve or enhance the character and appearance of the area and where the scale, proportions, design detailing and materials of the development respect the existing architectural and historic context with reference to the form, scale proportions, design detailing and materials of traditional buildings.

Front Door

The loss of the historical and finely detailed panelled front door has a detrimental impact upon the character and appearance of the Listed Property and the Conservation Area. The North York Moors National Park Authority's Design Guide states that replacement doors should reflect the shape of the opening and respect the character of the original property. This is not achieved by the replacement door which is of larger proportions and less finely detailed than the previous door. Therefore this element of the application does not respect the existing architectural and historic context of the building with reference to the form, scale, proportions, design detailing and materials of traditional buildings, as required by Development Policy 4 of the North York Moors Core Strategy and Development Policies Document and does not meet the requirements of Development Policy 5 as it has an unacceptable impact on the special historic and architectural interest of the Listed Building and wider Conservation Area. The application does not contain sufficient or convincing information to justify the need for and design of the replacement door or demonstrate any public benefit. Whilst the applicant has argued that the previous door was too thin to provide appropriate security to the property, the previous door had functioned as the front door of the property for a number of years, and if it had been found to be in need of replacement, a like-for-like replacement would have been the only acceptable alternative. The Authority's Building Conservation team have stated that they believe it to be unlikely that the previous door was an internal door as the exact same door design can be found on external doors elsewhere in the village and it would be uncommon to see such a detailed panelled door internally as the majority of internal doors would be of a much simpler appearance. Therefore the proposal fails to meet the requirements of Section 16, paragraph 196 of the NPPF which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As the use of the Listed Building would not have been affected by the retention of the previous door, nor by its replacement with a like-for-like alternative, it is not believed that the harm caused by the loss of the historic door is outweighed by any public benefit. Furthermore, the Design Guide also states that careful consideration should be given to the use of traditional door furniture such as door knobs. The style and location of the door knob in the centre of the new door is grandiose and inappropriate on a traditional fisherman's cottage.

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Rear Door

Whilst the replacement rear door cannot be considered to be a like-for-like replacement, the Authority considers it to be acceptable due to the number of similarities with the previous door. It is therefore not felt that the replacement door has an unacceptable impact on the special historic or architectural interest of the Listed Building and is therefore in line with DP5. Whilst the rear door is also painted pink, its location to the rear of the property means that it does not impact upon the character and appearance of the Conservation Area and is therefore not in breach of DP4. Similarly, the location of the door to the rear of the property mitigates the impact of the pink paint on the special historic or architectural interest of the building as it is in a less prominent location. Therefore the Authority does not object to the paint on this particular door.

Windows

The Authority considers the replacement of the property's timber casement windows with timber sash windows to be a modest enhancement as the previous windows were non-traditional and unsympathetic to the appearance and character of the Listed Building and Conservation Area. As such, this element of the application is acceptable under DP5 as it does not have an unacceptable impact on the special historic or architectural interest of the building; and under DP4 as it enhances the character and appearance of the area. However, the Authority's Building Conservation team have stated that the design and detailing of the new windows fail to properly reflect the local detailing found elsewhere on the terrace. This includes the use of 6 over 6 sashes rather than 8 over 8 which is more characteristic of the terrace resulting in squarer window pane proportions which lack the elegance of the neighbouring traditional windows and the use of horns which are not characteristic of the terrace. The Building Conservation Officer states that whilst it is disappointing that guidance from the Authority was not sought on the design of the new windows, on balance the sash windows are viewed as a modest enhancement as they are a more traditional form of fenestration than the previous casement windows.

Roof and Gutters

The re-roofing of the property with handmade pan tiles and the replacement of PVC rainwater goods with cast iron are considered to be acceptable on the basis that the replacement tiles are of matching handmade construction and the insulation is lamb's wool and not Kingspan.

Conclusion

As highlighted by the Authority's Building Conservation team, the general approach to Listed Building work is to adopt a repair rather than replacement approach, especially where historic fabric and features of architectural or historic interest exist. This approach has not been adopted within this application where the elements identified as possessing historical and architectural interest have been wholly replaced. Furthermore, the need to replace these elements has not been satisfactorily demonstrated by the applicant and the design of the replacements show no regard for the fabric being lost or the character of the listed building or the wider conservation area.

Whilst the replacement of the roof covering, rainwater goods and windows would be considered acceptable, the proposed door surround and front door constitute less than

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substantial harm to the listed building and the wider conservation area and as no public benefit is provided by these elements, this application is recommended for refusal. The applicant was advised that planning permission may be granted for the acceptable elements if the door surround and front door were removed from the application and pursued by the Enforcement team. However, the applicant chose to retain these elements within the application and as such the Authority has no option but to recommend the entire application for refusal.

Draft Local Plan

Strategic Policy I within the North York Moors National Park Authority's Draft Local Plan states that developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment. It is stated that harm to an element which contributes to the significance of a designated heritage asset will require clear and convincing justification and will only be permitted where this is outweighed by the public benefits of the proposal. Whilst the Draft Local Plan has not yet been adopted, some weight may be attached to this policy.

Policy ENV11 states that development affecting the built heritage of the North York Moors should reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction. Development proposals will be supported where they reinforce the distinctive qualities of settlements through the consideration of scale, height massing, alignment; design detailing, materials and finishes. Whilst the Draft Local Plan has not yet been adopted, some weight may be attached to this policy.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

Negotiations have taken place with the aim of making changes to ensure the proposal complies with the relevant policies of the Development Plan/delivers a sustainable form of development as set out in the National Planning Policy Framework, though unfortunately such changes were not implemented/accepted.